

In the United States Court of Federal Claims
OFFICE OF SPECIAL MASTERS
No. 21-2005V

CORISSA PRESCOTT, *also known as*
CORISSA ALVARADO,

Petitioner,

v.

SECRETARY OF HEALTH AND
HUMAN SERVICES,

Respondent.

Chief Special Master Corcoran

Filed: October 18, 2024

Robin J. Marzella, R.J. Marzella & Associates, P.C., Harrisburg, PA, for Petitioner.

Dorian Hurley, U.S. Department of Justice, Washington, DC, for Respondent.

DECISION ON DAMAGES¹

On October 12, 2021, Corissa Prescott (“Petitioner”) filed a petition for compensation under the National Vaccine Injury Compensation Program, 42 U.S.C. §300aa-10, *et seq.*² (the “Vaccine Act”). Petitioner alleges that she suffered from a shoulder injury related to vaccine administration (“SIRVA”) as a result of receiving an influenza (“flu”) vaccination on October 16, 2018. Pet., ECF No. 1. Petitioner further alleges that she suffered the residual effects of her injury for more than six months. *Id.* The case was assigned to the Special Processing Unit of the Office of Special Masters.

¹ Because this Decision contains a reasoned explanation for the action taken in this case, it must be made publicly accessible and will be posted on the United States Court of Federal Claims' website, and/or at <https://www.govinfo.gov/app/collection/uscourts/national/cofc>, in accordance with the E-Government Act of 2002. 44 U.S.C. § 3501 note (2018) (Federal Management and Promotion of Electronic Government Services). **This means the Decision will be available to anyone with access to the internet.** In accordance with Vaccine Rule 18(b), Petitioner has 14 days to identify and move to redact medical or other information, the disclosure of which would constitute an unwarranted invasion of privacy. If, upon review, I agree that the identified material fits within this definition, I will redact such material from public access.

² National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755. Hereinafter, for ease of citation, all section references to the Vaccine Act will be to the pertinent subparagraph of 42 U.S.C. § 300aa (2018).

On April 19, 2024, a Ruling on Entitlement was issued, finding Petitioner entitled to compensation for a SIRVA. On October 17, 2024, Respondent filed a Proffer on award of compensation ("Proffer"). Respondent represented that Petitioner agrees with the proffered award. *Id.* at 1 – 2. Based on the record as a whole, I find that Petitioner is entitled to an award as stated in the Proffer.

Pursuant to the terms stated in the Proffer, I award the following compensation:

A lump sum of \$112,500.00 (for pain and suffering) in the form of a check payable to Petitioner. Proffer at 2. This amount represents compensation for all damages that would be available under Section 15(a). *Id.*

The Clerk of Court is directed to enter judgment in accordance with this decision.³

IT IS SO ORDERED.

s/Brian H. Corcoran

Brian H. Corcoran
Chief Special Master

³ Pursuant to Vaccine Rule 11(a), entry of judgment can be expedited by the parties' joint filing of notice renouncing the right to seek review.

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS
OFFICE OF SPECIAL MASTERS**

CORISSA PRESCOTT, *also known as*
CORISSA ALVARADO,

Petitioner,

v.

SECRETARY OF HEALTH AND HUMAN
SERVICES,

Respondent.

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) No. 21-2005V (SPU)
) Chief Special Master Corcoran
) ECF
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RESPONDENT’S PROFFER ON AWARD OF COMPENSATION

On October 12, 2021, Corissa Prescott, also known as Corissa Alvarado (“petitioner”), filed a petition for compensation under the National Childhood Vaccine Injury Act of 1986, 42 U.S.C. §§ 300aa-1 to -34 (“Vaccine Act” or “Act”), alleging that she suffered a shoulder injury related to vaccine administration (“SIRVA”), as defined in the Vaccine Injury Table, following administration of a pneumococcal conjugate vaccination received on October 16, 2018. Petition at 1, 5. On January 13, 2022, petitioner filed a first amended petition that again referred to a pneumococcal conjugate vaccination received on October 16, 2018, but also referred to an influenza (“flu”) vaccination received the same date. ECF No. 7 at 1, 7. On February 9, 2023, petitioner filed a second amended petition, alleging injury based only a flu vaccination received on October 16, 2018. ECF No. 32 at 1, 8. On April 10, 2024, the Secretary of Health and Human Services (“respondent”) filed a Rule 4(c) Report advising that, in light of Chief Special Master Corcoran’s February 29, 2024 Finding of Fact ruling that petitioner had provided preponderant evidence establishing that she received a flu vaccine in her left deltoid on October 16, 2018, and the medical evidence submitted in this case, respondent did not dispute that

petitioner had satisfied all legal prerequisites for compensation under the Vaccine Act. ECF No. 66. On April 19, 2024, the Chief Special Master issued a Ruling on Entitlement finding petitioner entitled to vaccine compensation for her SIRVA. ECF No. 67.

I. Items of Compensation

Respondent proffers that petitioner should be awarded a lump sum of \$112,500.00 for pain and suffering. *See* 42 U.S.C. § 300aa-15(a)(4). Petitioner agrees.

This amount represents all elements of compensation to which petitioner is entitled under 42 U.S.C. § 300aa-15(a). Petitioner agrees.

II. Form of the Award

Petitioner is a competent adult. Evidence of guardianship is not required in this case. Respondent recommends that the compensation provided to petitioner should be made through a lump sum payment as described below and requests that the Chief Special Master's decision and the Court's judgment award the following:¹ a lump sum payment of \$112,500.00, in the form of a check payable to petitioner.

III. Summary of Recommended Payments Following Judgment

Lump sum payable to petitioner, Corissa Prescott, also known as Corissa Alvarado:
\$112,500.00

Respectfully submitted,

BRIAN M. BOYNTON
Principal Deputy Assistant Attorney General

C. SALVATORE D'ALESSIO
Director
Torts Branch, Civil Division

¹ Should petitioner die prior to entry of judgment, the parties reserve the right to move the Court for appropriate relief. In particular, respondent would oppose any award for future lost earnings and future pain and suffering.

HEATHER L. PEARLMAN
Deputy Director
Torts Branch, Civil Division

JULIA M. COLLISON
Assistant Director
Torts Branch, Civil Division

/s/ Dorian Hurley
DORIAN HURLEY
Trial Attorney
Torts Branch, Civil Division
U.S. Department of Justice
P.O. Box 146
Benjamin Franklin Station
Washington, D.C. 20044-0146
Tel: (202) 353-7751
Email: Dorian.Hurley@usdoj.gov

DATED: October 17, 2024